

Introduced by Senator Romero

February 18, 2005

An act to add Section 60851.1 to the Education Code, relating to pupil assessment.

LEGISLATIVE COUNSEL'S DIGEST

SB 517, as amended, Romero. High school graduation.

Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop a high school exit examination in accordance with state academic content standards. Existing law requires, commencing with the 2003–04 school year and each school year thereafter, each pupil completing grade 12 to successfully pass the exit examination as a condition of graduation from high school. Existing law grants authority to the state board to delay, on or before August 1, 2003, the date upon which each pupil completing grade 12 is required to pass the exit examination as a condition of graduation from high school to a date other than the 2003–04 school year.

This bill would declare that it is the intent of the Legislature to delay the effective date of the exit examination requirement until specified conditions have been satisfied, including the consideration and adoption by the Legislature and implementation by the state of a plan to provide adequate resources for its public schools and a determination that the examination meets specified ethical standards.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. (a) The Legislature finds and declares all of the*
2 *following:*

3 *(1) The Harvard University Civil Rights Project's report titled*
4 *"Confronting the Graduation Rate Crisis in California" found*
5 *that California's overall high school graduation rate was 71*
6 *percent for 2002.*

7 *(2) This Harvard report found that only 64 percent of all*
8 *pupils in central city school districts graduate with regular*
9 *diplomas. In racially segregated school districts, only 65 percent*
10 *of all pupils graduate, and only 58 percent graduate in*
11 *socioeconomically segregated school districts.*

12 *(3) When high numbers of youth leave school ill-prepared to*
13 *contribute to our labor force and to civic life, our economy and*
14 *our democracy suffer. The Harvard report found that the 66,657*
15 *pupils who were reported as dropouts from the California public*
16 *schools in 2002–03 will cost the state \$14 billion in lost wages.*

17 *(4) A report by the University of California All Campus*
18 *Consortium on Research for Diversity (UC/ACCORD) found that*
19 *in the state's largest school district, Los Angeles Unified School*
20 *District, fewer than half of the Black and Latino pupils who start*
21 *9th grade complete grade 12 four years later.*

22 *(5) The number of pupils who are at risk of failing the state's*
23 *high school exit examination is likely more than 100,000*
24 *statewide.*

25 *(6) A 2004 survey of over 1,000 California teachers by*
26 *pollster Lou Harris found that 10 percent of teachers reported*
27 *pupils did not have access to their own standards-aligned*
28 *instructional materials to use in class, and 32 percent of teachers*
29 *reported that pupils did not have access to their own*
30 *standards-aligned instructional materials to take home for*
31 *homework. Thus, it is estimated that, at a minimum, 10 percent of*
32 *pupils statewide do not have standards-aligned instructional*
33 *materials to use in class, and 32 percent of pupils statewide do*
34 *not have standards-aligned instructional materials to take home*
35 *to use for homework. Schools with the highest concentration of*
36 *pupils of color were 40 percent more likely than other schools to*
37 *lack instructional materials.*

(7) The 2004 Harris survey found that teachers in the schools with the highest percentages of African American, Latino, and Native American pupils report that they are 11 times more likely to be in schools in which more than 20 percent of the teachers are undercredentialed and lack the training to teach the state's content standards.

(8) The most critical factor in pupil achievement is a qualified teacher. A recent report by Education Trust-West, titled "California's Hidden Teacher Spending Gap," reported dramatic spending gaps in teacher salaries within districts, with more highly paid teachers and, therefore, more experienced and highly credentialed teachers, concentrated in more affluent and white schools. Pupils of color and pupils from low-income families receive, at a disproportionately higher rate, instruction from underqualified teachers who have not been trained to teach the state's content standards.

(9) A 2004 report by the Center for the Future of Teaching and Learning, titled "California's Teaching Force 2004: Key Issues and Trends," reported that in 2003–04, slightly more than 28,000 teachers — or about one in every 11 California teachers — were underprepared and teaching without benefit of having met the state's minimum qualifications, and without training to teach to the state's content standards. There are far more of these underprepared teachers in schools that have high failure rates on the high school exit examination. In schools where over 30 percent of pupils failed the mathematics portion of the exit examination the average percentage of underprepared teachers is 22 percent. By comparison, in schools where only 9 percent of pupils failed the mathematics portion, the average percentage of underprepared teachers is only 7 percent.

(10) California has recently acknowledged in the settlement of *Williams v. State of California*, that the established minimum thresholds for teacher quality, instructional materials, and school facilities are intended by the Legislature and the Governor to be a floor, rather than a ceiling, and a beginning, not an end, to the state's commitment and effort to ensure that all California pupils have access to the basic elements of a quality public education.

(11) A 2004 survey of 34 high school principals from 19 school districts reveals that 59 percent of those principals do not

1 *have plans to ensure all pre-high school pupils are prepared to*
2 *receive instruction in each of the content standards.*

3 *(12) A 2004 survey of 135 teachers and 23 high school*
4 *principals from 53 schools in 19 school districts reveals that 49*
5 *percent of teachers and 48 percent of principals identified*
6 *academic issues of entering high school below grade level*
7 *proficiency and lacking adequate preparation as specific*
8 *challenges their pupils face in passing the exit examination.*

9 *(13) California ranks last in the nation in the ratio of pupils to*
10 *counselors at 954:1. School counselors serve a vital role in*
11 *promoting pupil achievement and serving as pupil advocates who*
12 *focus on the relationships and interactions between pupils and*
13 *their school environment, with the expressed purpose of reducing*
14 *the effect of environmental and institutional barriers that impede*
15 *academic success.*

16 *(14) It is essential that California provide the minimum*
17 *opportunities for all pupils to learn the skills and material that*
18 *they need to learn in order to pass the high school exit*
19 *examination.*

20 **SECTION 1.**

21 *SEC. 2. Section 60851.1 is added to the Education Code, to*
22 *read:*

23 ~~60851.1. It is the intent of the Legislature that the~~ *The exit*
24 *examination requirement, pursuant to Section 60851, shall not*
25 *take effect until both of the following conditions are satisfied:*

26 ~~(a) The Legislature has considered and adopted, and the state~~
27 ~~has implemented a plan to provide adequate resources for~~
28 ~~elementary and secondary public schools in accordance with the~~
29 ~~recommendations of the Quality Education Commission.~~

30 ~~(b) The exit examination meets the ethical standards adopted~~
31 ~~by the American Psychological Association, the American~~
32 ~~Educational Research Association, and the National Council on~~
33 ~~Measurement in Education for the purposes of promoting~~
34 ~~fairness in testing and avoiding unintended consequences.~~

35 *effect in a school district until the county office of education in*
36 *whose jurisdiction the school district is located certifies to the*
37 *Superintendent that the high schools within the school district*
38 *offer full and equal access for all pupils to all of the following*
39 *minimum conditions necessary for successfully passing the exit*
40 *examination:*

1 *(a) Fully certified teachers, including teachers for English*
2 *learners, in core subject areas.*

3 *(b) Instructional materials, as defined in subdivision (h) of*
4 *Section 60010, aligned with the content standards being tested*
5 *on the exit examination.*

6 *(c) Rigorous supplementary programs for pupils who have not*
7 *passed either part of the exit examination, which are in addition*
8 *to the regular instruction of pupils.*

9 *(d) Counselor-to-pupil ratios of at least 1:476, so as to*
10 *support the guidance of pupils in their successful passage of the*
11 *exit examination.*

12 *(e) If the overall rate of failure on the high school exit*
13 *examination in a school district is greater than 10 percent, a*
14 *pupil-to-teacher ratio of 25:1 in each core subject area class.*